

**REMARKS**

Claims 32-47 are pending for prosecution. Claims 33-35 and 40 have been cancelled and claims 32, 36-39 and 41-44 have been amended.

The Examiner and Applicants discussed these comments at length during a telephone interview on July 20, 2010. A revised independent claim 32 was agreed upon, which is presented above. The dependent claims have been amended with a view to rendering them consistent with the approved amended claim 32.

**Rejection under 35 U.S.C §102 and 35 U.S.C 103**

The rejection of claims 32, 40, 41 and 42 prior to amendment as anticipated under 35 U.S.C. §102 by the phage amino acid sequence listed by Beck is moot.

**Rejection under 35 U.S.C §112 1<sup>st</sup> paragraph**

Subject to the telephone interview with the Examiner, outstanding issues have been resolved and this rejection is now moot.

**CONCLUSION**

Applicants respectfully submit that this case is in condition for immediate allowance. Early and favorable consideration leading to prompt issuance of this Application is earnestly solicited.

Applicants submitted a notice of appeal and a petition for a three-month extension of time, together with authorization to charge Deposit Account No. 14-0740 in the amount of \$825, in the response to final office filed on April 16, 2010. Please charge any deficiencies to the same Account.

Respectfully submitted,

NEW ENGLAND BIOLABS, INC.

Date: July 27, 2010

Customer No.: 28986

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